

# Interview Summary

Application No.  
09/058,350

Applicant(s)  
Simms

Examiner  
Howard Owens

Group Art Unit  
1623



All participants (applicant, applicant's representative, PTO personnel):

(1) Howard Owens

(3) \_\_\_\_\_

(2) Larry Bugaisky

(4) \_\_\_\_\_

Date of Interview Jul 18, 2001

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy is given to 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No. If yes, brief description:

\_\_\_\_\_  
\_\_\_\_\_

Claim(s) discussed: \_\_\_\_\_

Identification of prior art discussed:  
\_\_\_\_\_  
\_\_\_\_\_

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

The pending claims were inaccurately reflected on the office action summary page and the action on the merits statement on p.2 of the office action mailed on 3/27/01. However, the 35 U.S.C. 103 rejection upon which finality of the action is based accurately reflects the new claims 23-34 that were added by applicant in the amendment filed 1-16-01.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☐ It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

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Application No.

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Applicant(s)

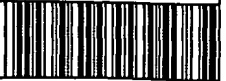
Simms

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# Office Action Summary

Application No.  
09/058,350

Applicant(s)  
Simms

Examiner  
Howard Owens

Art Unit  
1623



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 1-16-01
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-11 and 13-34 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-11 and 13-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 15
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

Art Unit 1623

***Response to Arguments***

5 The following is in response to the amendment filed 1/16/01:

An action on the merits of claims 2-11 and 13-34 is contained herein below.

10 The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**35 U.S.C. § 103**

15 Applicant's arguments filed 11/08/2000 have been fully considered but they are not persuasive.

20 Claims 2-11, 13-22 and newly added 23-34 are rejected under 35 U.S.C. § 103 as being unpatentable over Sambrook et al. (Molecular Cloning: A Laboratory Manual, Second Edition; Cold Spring Harbor Laboratory, Cold Spring Harbor, NY, 1989) in combination with Chomczynski (5,346,994) and newly cited Perlman, U.S. Patent No. 5,098,603.

25 Claims 2 - 11 are directed to an RNA isolation reagent comprising at least one nonionic detergent (0.1 - 1.0%), a chelating agent (20 - 250 mM), a phenol (10%-60%), and a phenol stabilizer (15-55%).

30 Claims 13-34 are directed to a RNA extraction reagent and a method for providing cytoplasmic RNA from a sample comprising mixing said sample with an RNA extraction reagent comprising at least one nonionic detergent, at least one phenol and at least one phenol solubilizer, adding a haloalkane to the mixture and precipitating cytoplasmic RNA.

Applicant asserts "that contrary to the Examiner's assertion, the specification at page 2 does not acknowledge that Sambrook discloses a method for isolating RNA that uses phenol." Although the instant specification does not state the use of phenol by

# **FACSIMILE TRANSMISSION COVER SHEET**

DATE: July 18, 2001

APLN: 09/058,350

Attny Docket No.: 0942.3840001

TO : Larry Bugaisky

FIRM :

PH # :

FAX : 202-371-2540

This fax includes a copy of the interview summary from 7/18/01 and the corrected version of the office action summary page mailed 3/27/01 .

**THE NUMBER OF PAGES INCLUDING THIS COVER SHEET IS 4 .**

FROM : Howard Owens

U.S. Patent and Trademark Office

FOR :

PHONE: (703) 306-4538 for H. Owens

FAX : (703) 308-4556 or  
(703) 305-3592

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\*\*\* ACTIVITY REPORT \*\*\*  
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TRANSMISSION OK

TX/RX NO.	0882
CONNECTION TEL	912023712540
CONNECTION ID	
START TIME	07/18 16:59
USAGE TIME	02'08
PAGES	4
RESULT	OK